

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 17-20636

Hon. Terrence G. Berg

ROBERT DONALD GORDON,

Defendant.

PLEA

BEFORE THE HONORABLE TERRENCE G. BERG
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226
Thursday, November 15, 2018

APPEARANCES:

For the Plaintiff
United States of America:

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EXHIBITS

<u>Identification</u>	<u>Offered</u>	<u>Received</u>
NONE		

1 Detroit, Michigan

2 Thursday, November 15, 2018

3 — — —

4 (Proceedings commenced at 11:40 a.m., all parties
5 present)

6 THE CLERK: The Court calls Case No. 17-20636, the
7 United States of America versus Robert Donald Gordon.

8 Counsel, please place your appearances on the record.

9 MS. WILLIAMS: Good morning, Your Honor. Jihan
10 Williams appearing on behalf of the United States.

11 THE COURT: Ms. Williams.

12 MR. CARTER: Good morning, Your Honor. Mike Carter
13 on behalf of Mr. Robert Gordon who stands to my right.

14 THE COURT: And good afternoon, Mr. Carter. Good
15 afternoon, Mr. Gordon, or good morning I guess.

16 So we're here for purposes of having a hearing on
17 whether or not you want to enter a guilty plea in this case,
18 and so as part of that I want to explain to you what's going to
19 happen.

20 So first of all, what we'll do is go over this
21 proposed Plea Agreement, and I'll have Ms. Williams state on
22 the record all of the main terms of the agreement out loud so
23 that everybody knows what they are.

24 I'm also going to go over with you what the possible
25 penalties are so you understand what the maximum possible

1 penalties would be under this agreement and the maximum
2 penalties under these statutes.

3 I'm also going to ask you a number of basic
4 questions, basically your name, your background, that sort of
5 thing.

6 And I'll ask you questions that are trying to make
7 certain that you're of sound mind and able to make a decision
8 like this and that you're doing it voluntarily.

9 I'm also going to go over with you what your
10 constitutional rights are because if you plead guilty, you're
11 giving up a lot of your constitutional rights.

12 And we'll go over the different factors the Court has
13 to consider at the time of sentencing so that you'll know what
14 that's going to be like.

15 And then after we go through all this, I'll go over
16 the elements that the government has to prove to prove you
17 guilty of these offenses.

18 And then I'll ask you whether or not you want to
19 plead guilty to these offenses.

20 Do you understand you understand what's going to
21 happen?

22 DEFENDANT GORDON: Yes, sir.

23 THE COURT: All right. So why don't you come up then
24 to the lectern with Mr. Carter.

25 And I can start by asking Ms. Williams to take the

1 Plea Agreement and to enter on the record all of the main terms
2 of the Plea Agreement. Go ahead.

3 MS. WILLIAMS: Your Honor, defendant will enter a
4 plea of guilty to Counts 5 and 6 of the indictment which
5 charges him with coercion and enticement of a minor, in
6 violation of 18 United States Code, Section 244 -- 2422(a), and
7 interstate travel with intent to engage in a sexual act with a
8 minor, in violation of 18 United States Code, Section 2423(b).

9 For Count 5, coercion and enticement of a minor, the
10 minimum penalty is not less than ten years imprisonment and it
11 has a maximum of life imprisonment.

12 For Count 6, interstate travel with intent to engage
13 in a sexual act with a minor, there is a statutory maximum of
14 30 years imprisonment.

15 Both counts include a maximum fine of \$250,000.

16 And there's mandatory supervised release that will
17 follow the term of imprisonment in this case which is five
18 years to life.

19 Under part 2B of the Rule 11 Plea Agreement there are
20 no sentencing guidelines disputes. Except as provided within
21 the Rule 11 Plea Agreement, the defendant's guideline range is
22 life imprisonment.

23 The Rule 11 Plea Agreement does include relevant
24 conduct and that is outlined on page 6 and 7 of the Rule 11
25 Plea Agreement.

1 Under part 3A of the Rule 11 Plea Agreement the Court
2 must impose a sentence of imprisonment on Count 5, which is
3 coercion and enticement of a minor, of at least 10 years.

4 Pursuant to Federal Rule of Criminal Procedure
5 11(c) (1) (C), the government makes a non-binding recommendation
6 that it will not seek a sentence of imprisonment in this case
7 of more than 25 to 30 years.

8 As I mentioned before, a term of supervised release
9 will follow the term of imprisonment in this case. The term of
10 supervised release is at least five years to life.

11 The Rule 11 Plea Agreement provides that the
12 defendant will pay a special assessment, and that special
13 assessment is \$200 and that will be due at the time of
14 sentencing.

15 Also pursuant to the Justice for Victims of
16 Trafficking Act of 2015, defendant will pay a special
17 assessment of \$5,000. However, if the Court finds that the
18 defendant is indigent, he will not be ordered to pay the \$5,000
19 amount.

20 There is no agreement as to fines in the Rule Plea
21 Agreement.

22 As far as restitution, the Court may order
23 restitution to every identifiable victim of defendant's offense
24 and all other relevant conduct. The victims and the full
25 amount of restitution in this case would be going to Minor

1 Victim 1, and that will be in an amount agreed upon by the
2 government.

3 The Rule 11 Plea Agreement does provide for
4 forfeiture, which is outlined on page 9 and 10 of the Rule 11,
5 Section 4.

6 Defendant also understands pursuant to the Rule 11
7 Plea Agreement that by pleading guilty in this case, he will be
8 required to register as a sex offender under both federal and
9 state registration requirements.

10 If the Court accepts the Rule 11 Plea Agreement, the
11 government will dismiss remaining charges in this case at the
12 time of sentencing.

13 And the Rule 11 Plea Agreement contains an appeal
14 waiver which is outlined on page 14, Section 9, and that appeal
15 waiver states that the defendant waives any right he may have
16 to appeal his conviction if the sentence imposed does not
17 exceed the maximum recommendation allowed by Part 3 of the Rule
18 11 Plea Agreement. Defendant also waives any right he may have
19 to appeal his sentence. If the sentence imposed is within the
20 guideline range determined by Paragraph 2B of the Rule 11 Plea
21 Agreement, the government agrees not to appeal the sentence but
22 retains its right to appeal any sentence below that range.
23 This waiver does not bar a filing of a claim of ineffective
24 assistance of counsel in court.

25 And those are the material terms of the Rule 11 Plea

1 Agreement, Your Honor.

2 THE COURT: All right. And Mr. Carter, do you agree
3 those are the main terms of the agreement?

4 MR. CARTER: I do, Your Honor.

5 THE COURT: Mr. Gordon, did you hear the Plea
6 Agreement that was set out by Ms. Williams and does that match
7 what your understanding is?

8 DEFENDANT GORDON: Yes, Your Honor.

9 THE COURT: Okay. We do need to have you sworn to
10 tell the truth because I'll be asking you questions, and so I'm
11 going to ask Ms. Chubb to administer the oath.

12 THE CLERK: Please raise your right hand.

13 R O N A L D G O R D O N

14 was thereupon called as a witness herein, and after being
15 first duly sworn to tell the truth and nothing but the truth,
16 testified on his oath as follows:

17 DEFENDANT GORDON: I do.

18 THE CLERK: Thank you.

19 THE COURT: So Mr. Gordon, this Plea Agreement that I
20 have up here on page 17 has a signature line that says Robert
21 Gordon and it appears to have your signature. Did you sign
22 that?

23 DEFENDANT GORDON: Yes, sir.

24 THE COURT: Did you have a chance to go over it
25 before you signed it?

1 DEFENDANT GORDON: Yes, sir.

2 THE COURT: Do you feel like you understood all the
3 terms before you signed it?

4 DEFENDANT GORDON: Yes, sir.

5 THE COURT: And did you go over it with your lawyer
6 as well?

7 DEFENDANT GORDON: Yes, sir.

8 THE COURT: Okay. Well, I want to ask you some of
9 those basic questions that I mentioned before, and so let me
10 just ask you what is your full name?

11 DEFENDANT GORDON: Robert Donald Gordon.

12 THE COURT: And where were you born?

13 DEFENDANT GORDON: Lafayette, Indiana.

14 THE COURT: How far did you go in school?

15 DEFENDANT GORDON: One year college.

16 THE COURT: Have you been treated recently for any
17 kind of mental illness or addiction to narcotic drugs?

18 DEFENDANT GORDON: No, sir.

19 THE COURT: Are you currently under the influence of
20 any kind of drug or medication or alcohol?

21 DEFENDANT GORDON: No, sir.

22 THE COURT: Have you taken anything in the last three
23 days that might affect your ability to understand these
24 proceedings or your perceptions or your comprehension?

25 DEFENDANT GORDON: No, sir.

1 THE COURT: Do you have any kind of mental condition
2 or disability that might affect your ability to understand?

3 DEFENDANT GORDON: No, sir.

4 THE COURT: Mr. Carter, have you have -- had the
5 chance to meet with Mr. Gordon before today as well as today
6 and do you have any concerns about his mental competence or his
7 ability to understand the proceedings?

8 MR. CARTER: I have had an opportunity to meet with
9 him and I have no concerns about his mental competence or his
10 ability to understand the proceedings.

11 THE COURT: What about you, Ms. Williams?

12 MS. WILLIAMS: No, Your Honor.

13 THE COURT: Well, based on my observations of Mr.
14 Gordon today and also previously and also statements of counsel
15 and the way Mr. Gordon appears to be able to answer the
16 questions and understand everything, I do find that he is in
17 full possession of all of his faculties and is able to make a
18 decision such as this.

19 So Mr. Gordon, did you previously receive a copy of
20 the indictment in this case, that's the charging document that
21 says "Indictment, The Grand Jury Charges:" and then it has
22 Count 1, Count 2, et cetera, and it goes up to Count 5 which is
23 charging you with 18 U.S. Code, Section 2422(b), coercion and
24 enticement of a minor, and then it has Count 6, charging you
25 with 18 U.S. Code, Section 2423(b), which is interstate travel

1 with intent to engage in a sexual act with a minor. Did you
2 receive a copy of this previously?

3 DEFENDANT GORDON: Yes, Your Honor.

4 THE COURT: Now, these two charges are the ones that,
5 according to the Plea Agreement, you are considering pleading
6 guilty to. Would you like me to read these to you
7 word for word or have you already gone over with them with your
8 lawyer?

9 DEFENDANT GORDON: We've gone over them with my
10 attorney, sure.

11 THE COURT: All right. Then let me just ask you,
12 with regard to your lawyer, are you fully satisfied with the
13 work and the counsel and the advice that Mr. Carter has given
14 you in this case?

15 DEFENDANT GORDON: Yes, Your Honor.

16 THE COURT: With regard to this Plea Agreement, I
17 think you said you did have a chance to read it and go over it
18 with your lawyer, is that right?

19 DEFENDANT GORDON: Yes.

20 THE COURT: Does this agreement represent the whole
21 agreement between you and the government, there's no other
22 agreement on the side that I don't have in front of me, is
23 there?

24 DEFENDANT GORDON: That is correct, sir.

25 THE COURT: The decision about whether to sign this

1 agreement, did anybody make any special promises or assurances
2 to you to get you to sign it?

3 DEFENDANT GORDON: No, sir.

4 THE COURT: Did anybody try to threaten you or force
5 you to sign it?

6 DEFENDANT GORDON: No.

7 THE COURT: Did anybody try to threaten you or force
8 you just to get you to plead guilty in general?

9 DEFENDANT GORDON: No.

10 THE COURT: The whole decision about whether to plead
11 guilty to this, are you making this decision out of your own
12 free will because you believe you are guilty?

13 DEFENDANT GORDON: I am, sir.

14 THE COURT: This question is for Mr. Carter. Were
15 all formal offers that were made by the government to you
16 conveyed by you to Mr. Gordon?

17 MR. CARTER: Absolutely.

18 THE COURT: So Mr. Gordon, if you plead guilty to
19 these offenses, they are felony offenses, and being convicted
20 of felonies, which is what would happen if you plead guilty
21 here, would affect some of your civil rights and it would
22 possibly deprive you of your right, for example, to hold public
23 office, serve on a jury, possess any kind of firearm and in
24 some states even your right to vote. Do you understand that?

25 DEFENDANT GORDON: Yes, sir.

1 THE COURT: Now, as to Count 5, there is a minimum
2 period of imprisonment of at least ten years and a maximum
3 period of imprisonment of life in prison, and as to Count 6,
4 there's a maximum of up to 30 years. Do you understand those
5 are the possible penalties?

6 DEFENDANT GORDON: Yes, sir.

7 THE COURT: There's also a fine that would apply to
8 each of these that could be as high as \$250,000 and also a
9 period of supervised release that would be between five years
10 and life. Supervised relief is a -- release is a period where
11 you would be under the supervision of the Probation Department
12 and you would need to comply with certain conditions such as
13 not committing any other crimes and staying away from drugs and
14 in this case probably staying away from children as well. Do
15 you understand that?

16 DEFENDANT GORDON: Yes, sir.

17 THE COURT: Now, there would also be a special
18 assessment on each of these counts of \$100.

19 Now, the parties have calculated the sentencing
20 guidelines here as well, and in the worksheets to the Plea
21 Agreement they calculate the sentencing guidelines as being
22 life actually, that the guidelines themselves are life. Now,
23 these guidelines are based on the federal sentencing
24 guidelines, and in the worksheets you can see the way that the
25 parties have calculated the guidelines.

1 But I have reviewed these and I want to say I think
2 they are somewhat complicated, and ultimately it's going to be
3 up to the Probation Department to also calculate these
4 guidelines. And I will be reviewing the Pre-Sentence Report
5 that's prepared that has the calculations of the guidelines in
6 it and in the end I will decide what the correct calculation of
7 the guidelines is. Do you understand that?

8 DEFENDANT GORDON: Yes, sir.

9 THE COURT: And whatever that calculation is, whether
10 it's life as the parties believe it is or whether it's
11 something less than life, I need to take that into account in
12 determining what the sentence is. You understand that?

13 DEFENDANT GORDON: Yes, sir.

14 THE COURT: And I also have to take certain other
15 things into account. I have to consider the nature and
16 circumstances of this offense itself.

17 I have to consider your own character and history,
18 including whether you have any other prior criminal convictions
19 according to this. Apparently you don't have any other
20 criminal convictions.

21 The other things I need to take into account are the
22 need to promote respect for the law and to protect the public
23 and also to provide for deterrence, in other words,
24 discouraging people from committing crimes.

25 I also need to avoid what we call unwarranted

1 sentencing disparities. That means treating people differently
2 when their underlying crimes and their backgrounds are really
3 the same.

4 I also need to take into account any special needs a
5 person might have for training or treatment.

6 And I have to consider all the policies under the
7 sentencing guidelines and also those guidelines themselves.

8 Do you understand I will be considering all of these
9 things at the time of sentencing?

10 DEFENDANT GORDON: Yes, sir.

11 THE COURT: As was mentioned, this Plea Agreement
12 does contain a waiver of your right to appeal, and so if
13 whatever sentence that is ultimately imposed is within this
14 Plea Agreement, then you would not be able to appeal your
15 conviction or appeal your sentence. Do you understand that?

16 DEFENDANT GORDON: Yes, sir.

17 THE COURT: You do have a number of constitutional
18 rights that I want to go over with you because if you plead
19 guilty, you'll be giving up these rights.

20 So first of all, you do have the right to plead not
21 guilty and to insist on having a trial because you have the
22 right to a trial and to be represented by an attorney during
23 the trial and at all of the significant stages of the
24 prosecution.

25 You would be presumed innocent during any trial. You

1 would have no burden of proving anything. The government would
2 have the burden of proving you guilty beyond a reasonable
3 doubt.

4 You would have the right to present evidence if you
5 wanted to but you would not have to. In fact, you would be
6 presumed innocent, and that means that you would not have to
7 present any evidence or to testify, and the fact that you did
8 not testify or present evidence could not be used against you
9 in any way. You understand that?

10 DEFENDANT GORDON: Yes, sir.

11 THE COURT: You would have the right to use the
12 Court's subpoena power to bring witnesses into court to testify
13 on your behalf if you wanted to, but you wouldn't have to
14 present any evidence because the burden would be on the
15 government to prove you guilty.

16 You also would have the right to question any of the
17 government's witnesses, to cross-examine them through your
18 lawyer in order to test -- in order to test the truth of what
19 they were saying and also to see and hear all of the evidence
20 that the government might have against you.

21 Now, if you plead guilty, there will be no trial
22 because your guilty plea is what would be the reason for
23 convicting you. Do you understand that?

24 DEFENDANT GORDON: Yes, sir.

25 THE COURT: Are you willing to give up your trial

1 rights that I've just described?

2 DEFENDANT GORDON: Yes, Your Honor.

3 THE COURT: Did you have a chance to go over these
4 rights with your attorney?

5 DEFENDANT GORDON: Yes.

6 THE COURT: Now, do you understand that this
7 agreement is between you and the government, and what I would
8 do is to take this under advisement, in other words, I would
9 think about it between now and the time of sentencing. And if
10 you plead guilty under this particular Plea Agreement but then
11 after I review the Pre-Sentence Report I decide that I will not
12 accept this agreement, then I would give you the chance to
13 withdraw your guilty plea at that time and you could go to
14 trial. Do you understand that?

15 DEFENDANT GORDON: Yes, sir.

16 THE COURT: Because of the nature of this offense,
17 this conviction would also require you to register as a sex
18 offender, and you would have to comply with both the federal
19 Sex Offender Registry Act and the state sex offender registry
20 wherever you might live, and you would have to comply with any
21 of the conditions that those laws may impose on you. Do you
22 understand that?

23 DEFENDANT GORDON: Yes, sir.

24 THE COURT: That might include provisions such as
25 determining where you would be allowed to live, where you would

1 be allowed to associate with others, and where you would be
2 allowed to work and what kinds of work or living surroundings
3 you could have. Do you understand that?

4 DEFENDANT GORDON: Yes, sir.

5 THE COURT: Each of these offenses can be broken down
6 into elements, and so I want to go over those elements with you
7 as to each of the offenses before I ask you if you want to
8 plead guilty.

9 So Count 5 has three different elements to it. So
10 first of all, to prove you guilty of Count 5, the government
11 would have to prove that you knowingly used a facility or means
12 of interstate commerce such as a cellular phone or computer to
13 persuade, induce, entice or coerce an individual under the age
14 of 18 to engage in sexual activity. That's the first element.

15 The second element is that they would have to prove
16 that you believed that this individual was less than 18 years
17 old.

18 Number three, they would have to prove that you could
19 have been charged with a criminal offense for engaging in the
20 specified sexual activity that you were trying to entice or
21 coerce this person into doing.

22 Do you understand those are the three elements of
23 this offense?

24 DEFENDANT GORDON: Yes, sir.

25 THE COURT: Then having gone over with you those

1 elements and also all of your rights, I want to ask you, as to
2 Count 5 charging you with a violation of 18 U.S. Code, Section
3 2422(b), coercion and enticement of a minor, how do you plead,
4 guilty or not guilty?

5 DEFENDANT GORDON: Guilty, Your Honor.

6 THE COURT: Would you tell me what you did that makes
7 you say you're guilty of this offense?

8 MR. CARTER: Your Honor, if the Court has no
9 objections, I would like to ask Mr. Gordon questions to
10 establish...

11 THE COURT: You may.

12 MR. CARTER: Thank you, Your Honor.

13 Mr. Gordon, for Count 5 of the coercion enticement
14 count, from the period of November 2016 to August 2017, did you
15 use your cell phone and computer to communicate with the person
16 who was under the age of 18?

17 DEFENDANT GORDON: Yes.

18 MR. CARTER: And did you know that person was under
19 the age of 18?

20 DEFENDANT GORDON: Yes.

21 MR. CARTER: And in those communications, did you
22 persuade the person under the age of 18 to engage in illicit
23 sexual activity?

24 DEFENDANT GORDON: Yes.

25 MR. CARTER: Is the Court satisfied?

1 THE COURT: Let me ask Ms. Williams as well, are you
2 satisfied?

3 MS. WILLIAMS: I am, Your Honor. Perhaps the parties
4 should just stipulate that this specific activity, that the
5 defendant could have been charged --

6 MR. CARTER: Oh.

7 MS. WILLIAMS: -- with a criminal offense in the
8 state of Michigan for enticing Minor Victim 1 to engage in
9 these sexual activities.

10 THE COURT: All right. And Mr. Gordon, when you were
11 communicating with this individual, where were you?

12 DEFENDANT GORDON: In the state of Indiana, sir.

13 THE COURT: And where was she, do you know?

14 DEFENDANT GORDON: In the state of Michigan.

15 THE COURT: All right. Well, are counsel satisfied
16 that the elements for Count 5 have been set out?

17 MR. CARTER: The defense is satisfied, Your Honor.

18 MS. WILLIAMS: Yes, Your Honor.

19 THE COURT: All right. I think that -- I think that
20 they're sufficient as well to make out a adequate factual basis
21 as to Count 5.

22 As to Count 6, the elements are first that you -- the
23 government would have to prove beyond a reasonable doubt that
24 you, Mr. Gordon, traveled in interstate commerce.

25 And number two, they would have to prove that you

1 traveled in interstate commerce for the purpose of engaging in
2 illicit sexual conduct. That would be for violation of 18 U.S.
3 Code, Section 2423(b), which is interstate travel with intent
4 to engage in a sexual act with a minor, and that is the kind of
5 illicit sexual conduct that is being referred to.

6 So knowing then what your rights are and also what
7 the elements are for this Count 6, let me ask you, how do you
8 plead to Count 6, guilty or not guilty?

9 DEFENDANT GORDON: Guilty, Your Honor.

10 THE COURT: Would you tell me what you did that makes
11 you say you're guilty of Count 6, and you may inquire if you
12 wish, Mr. Carter.

13 MR. CARTER: Thank you, Your Honor.

14 Mr. Gordon, on August 26th did you travel from the
15 state of Indiana to the state of Michigan?

16 DEFENDANT GORDON: Yes.

17 MR. CARTER: In particular, did you travel to
18 Southfield, Michigan?

19 DEFENDANT GORDON: Yes.

20 MR. CARTER: And is Southfield, Michigan in the
21 Eastern District of Michigan?

22 DEFENDANT GORDON: I believe so, yes.

23 MR. CARTER: And did you travel with the purpose of
24 engaging in illicit sexual conduct with a person under the age
25 of 18?

1 DEFENDANT GORDON: Yes.

2 MR. CARTER: If the Court and the government are
3 satisfied, that is what we'll proffer, Your Honor.

4 THE COURT: Ms. Williams, any additional questions?

5 MS. WILLIAMS: No, Your Honor.

6 THE COURT: Well, let me also ask you, Mr. Gordon,
7 the Plea Agreement itself contains some paragraphs that are
8 under the subtitle "Factual Basis for Guilty Plea." Did you
9 read those statements?

10 DEFENDANT GORDON: Yes, sir.

11 THE COURT: Do you agree that those statements are
12 true and that that's what happened?

13 DEFENDANT GORDON: Yes.

14 THE COURT: All right. Are both counsel satisfied
15 that Count 6 as stated by Mr. Gordon is a sufficient factual
16 basis?

17 MR. CARTER: The defense is satisfied, Your Honor.

18 MS. WILLIAMS: Yes, Your Honor.

19 THE COURT: All right. I think that he's set out an
20 adequate factual basis as well and also that the Plea Agreement
21 contains more detailed facts that also establish an adequate
22 factual basis, and so I think that we are sufficient with
23 respect to the facts that are on the record regarding both of
24 these counts.

25 Let me ask counsel, in addition to the factual basis,

1 do you believe that the Court has complied with Federal Rule of
2 Criminal Procedure 11 during these proceedings?

3 MR. CARTER: Yes, Your Honor.

4 MS. WILLIAMS: Yes, Your Honor.

5 THE COURT: I think we have as well. Then it is the
6 finding of the Court that in the case of the United States of
7 America against Robert Gordon, that the defendant is fully
8 competent and capable of entering an informed plea.

9 That the defendant is aware of the nature of the
10 offense and also the consequences of pleading guilty.

11 That the plea of guilty is a knowing and voluntary
12 plea that is supported by an independent basis of fact as to
13 each of the essential elements of the offense.

14 And that so the guilty pleas as to Count 5 for
15 coercion and enticement of a minor, in violation of 18 U.S.
16 Code, Section 2422(b), and as to Count 6, in violation of 18
17 U.S. Code, Section 2423(b), interstate travel with intent to
18 engage in a sexual act with a minor, that the facts that have
19 been set out on the record in support of these offenses are, in
20 fact, sufficient to make out these violations and that the plea
21 will be therefore accepted and the Plea Agreement I will take
22 under advisement until the time of sentencing.

23 So Mr. Gordon, the next step is for you to be
24 interviewed by the probation officer.

25 MR. CARTER: He's already had the interview this

1 morning, Your Honor.

2 THE COURT: And so the probation officer will prepare
3 a written Pre-Sentence Report. That's what I will have in
4 front of me at the time of sentencing as well as any other
5 materials that the counsel submit, and I'm asking you to go
6 over that carefully with your lawyer to make certain that it's
7 accurate. You'll see it in draft form before it's finalized.
8 If you see anything in there that's incorrect, please bring it
9 to Mr. Carter's attention and he'll make sure the probation
10 officer knows what it is and can try to make it as accurate as
11 possible. Do you understand?

12 DEFENDANT GORDON: Yes, sir.

13 THE COURT: All right. Are there any other matters
14 that we need to take up regarding Mr. Gordon?

15 MR. CARTER: No, Your Honor.

16 MS. WILLIAMS: No, Your Honor.

17 THE COURT: All right. Then we can be adjourned in
18 this matter. Thank you very much, Counsel, and good luck to
19 you, Mr. Gordon.

20 DEFENDANT GORDON: Thank you, sir.

21 MR. CARTER: Thank you, Your Honor.

22 THE CLERK: Please rise. Court is in recess.

23 MS. WILLIAMS: Do we have a sentencing date yet or
24 will you just let us know?

25 THE CLERK: I'll send it out.

1 THE COURT: Let's set a sentencing date too.

2 THE CLERK: I'll send it out but it's March 14th.

3 MS. WILLIAMS: Okay.

4 THE CLERK: Yep.

5 MR. CARTER: March 14th?

6 THE CLERK: 14th, yeah.

7 MR. CARTER: Okay.

8 THE CLERK: It's a Thursday.

9 MR. CARTER: Okay.

10 THE CLERK: You guys will get a notice.

11 MS. WILLIAMS: Okay. Thank you.

12 (Court in recess at 12:10 p.m.)

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C E R T I F I C A T I O N

I, Linda M. Cavanagh, Official Court Reporter of the United States District Court, Eastern District of Michigan, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing pages 1 through 25 comprise a full, true and correct transcript of the proceedings held in the matter of United States of America vs. Robert Donald Gordon, Case No. 17-20636, on Thursday, November 15, 2018.

s/Linda M. Cavanagh
Linda M. Cavanagh, RDR, RMR, CRR, CRC
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

Date: April 20, 2020
Detroit, Michigan